

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL WESLEY JOHNSON	§	
TDCJ-CID #1243747,	§	
Petitioner,	§	
V.	§	C.A. NO. C-08-285
	§	
NATHANIEL QUARTERMAN,	§	
Respondent.	§	

MEMORANDUM OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a state prisoner incarcerated at TDCJ-CID's Connally Unit in Kenedy, Texas (D.E. 1). Petitioner states that he was convicted of Aggravated Assault and sentenced to serve twenty years on June 9, 2004, in the 24th Judicial District Court in DeWitt County, Texas.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in Karnes County which is located in the San Antonio Division of the Western District of Texas, 28 U.S.C. § 124(d)(4), and he was convicted by a court located in the Victoria Division of the Southern District of Texas. 28 U.S.C. § 124(b)(5).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in DeWitt County, it is more convenient for the action to be handled in the Victoria Division of the

Southern District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Victoria Division of the Southern District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Victoria Division. All pending motions are denied without prejudice, subject to re-urging after this action is transferred.

ORDERED this 3rd day of September, 2008.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE